1 2 TO MAY 26 PM 2: 24 3 CLERK. U.S. DISTRICT COUR OUTHERN DISTRICT OF CALIFORN 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF CALIFORNIA 10 11 MERRILL CAHN, M.D. an individual, Civil No. 09 CV 2514 IEG (WMc) 12 ORDER GRANTING JOINT MOTION Plaintiff. TO CONSOLIDATE CASES AND 13 DISMISS CONSOLIDATED ACTION v. IN FAVOR OF BINDING ARBITRATION 14 UNITED HEALTHCARE INSURANCE COMPANY, a 15 Connecticut corporation, and DOES 1 [Doc. No. 14] through 10, inclusive 16 Defendants. 17 18 19 Plaintiff Merrill Cahn, M.D. and the plaintiffs in the below-listed related actions 20 (collectively, "Plaintiffs") and Defendant United HealthCare Insurance Company 21 ("United") have filed a joint motion to Consolidate Cases and Dismiss Consolidated 22 Action in Favor of Binding Arbitration. (Doc. No. 14.) 23 Good cause appearing, the Court GRANTS the joint motion, pursuant to Federal 24 Rule of Civil Procedure 42(a). It is HEREBY ORDERED that: 25 The following actions shall be consolidated with the above-captioned action (1) 26 (collectively, the "Consolidated Action"): 27 Casey v. United HealthCare Insurance Company, 09-CV-02516 H 28

1

09 CV 2514 IEG (WMC)

1		(WMc)
2		Goldberg v. United HealthCare Insurance Company, 09-CV-02821
3		JLS (WVG)
4		• <u>Hake v. United HealthCare Insurance Company</u> , 09-CV-02819 DMS
5		(CAB)
6		• Plascencia v. United HealthCare Insurance Company, 09-CV-02907
7		W (WMc)
8		• Anand v. United HealthCare Insurance Company, 09-CV-02908 W
9		(JMA)
10	(2)	Plaintiffs and United shall submit all matters asserted in the Consolidated
11		Action to binding arbitration before Judge H. Lee Sarokin (Ret.);
12	(3)	Plaintiffs shall collectively bear 50 percent of the arbitration fees and United
13		shall bear 50 percent of the arbitration fees;
14	(4)	The prevailing party or parties in the arbitration shall be entitled to recover
15		their portion of the arbitration fees at the discretion of the arbitrator;
16	(5)	The Consolidated Action shall be dismissed without prejudice, with the
17		Court retaining jurisdiction to vacate the dismissal upon a showing of good
18		cause to hear a petition to confirm or vacate the arbitrator's award.
19	IT IS SO O	RDERED.
20		Λ Λ
21	DATED:	May 26, 2010 And Houseles
22		IRMA E. GONZALEZ, Chief Judge United States District Court
23		
24		
25		
26		
27		
28		